

Mark-up Copy. Stricken language would be deleted from and underlined language would be added to the regulations as effective August 11, 2005.

ARKANSAS DEPARTMENT OF LABOR
CHILD LABOR REGULATIONS
LABOR STANDARDS DIVISION

SECTION 1. Amend Regulation 2.501 to read as follows:

“2.501 Children Under Eighteen (18)

(a) No child under the age of eighteen (18) shall be employed, permitted or suffered to work:

- (1) more than six (6) days in any week;
- (2) more than fifty-four (54) hours in any week;
- (3) more than ten (10) consecutive hours in any day; ~~or~~
- (4) more than ten (10) hours in a twenty-four hour period; or

(5) before 6:00 a.m. or after 11:00 p.m., except that the limitation of 11:00 p.m. shall not apply on nights preceding nonschool days. children ages sixteen (16) and seventeen (17) years may be employed until 12:00 midnight on nights preceding nonschool days.

(b) Children ages sixteen (16) years and seventeen (17) years of age may be employed between the hours of 12:00 midnight and 6:00 a.m. on nights preceding nonschool days, except in the occupations or circumstances listed below and provided the work is not otherwise prohibited by state or federal law:

- (1) in any convenience or retail store of less than 4500 square feet;

(2) in any restaurant, except that a sixteen (16) or seventeen (17) year old may work in a locked restaurant or fast-food restaurant if only the drive-through window is open to the general public;

(3) in any business where a child would be working without direct supervision by an adult 21 years of age or older;

(4) in any business which serves alcohol;

(5) in any business which provides adult entertainment, including nude or topless entertainment;

(6) at any truck stop or service station;

(7) at any race track or gambling establishment;

(8) as a security guard;

(9) as a delivery person; or

(10) in violation of any local curfew ordinance.”

SECTION 2. EMERGENCY CLAUSE. The Arkansas Department of Labor finds that there is an imminent peril to the public health, safety and welfare which requires the adoption of this amendment to its regulations with less than thirty (30) days notice as provided by Ark. Code Ann. § 25-15-204(b). Specifically, the department finds that Act 939 of 2005 will prohibit the employment of children ages 16 and 17 years of age past 11:00 p.m. on nights preceding nonschool days except in occupations determined by rule of the department to be sufficiently safe for their employment. Current law provides that 16 and 17 year olds can work until midnight on nights preceding nonschool days. Further, the department finds that the employment of 16 and 17 year olds is crucial to the economy of the state, particularly the restaurant industry. Nationwide approximately 42% of 16 and 17 year olds will work this year.

Approximately 50% of working teens will work in retail. In the restaurant industry as a whole, approximately 30% of the workforce is under the age of 20. Additionally, many teens work to save for college or to assist with family expenses. Failure to adopt this amendment to existing regulations will reduce the employment opportunities for teen workers, and will limit the workforce available to Arkansas employers. Therefore, an emergency is declared to exist and this regulation being necessary shall be in full force and effect on Friday, August 12, 2005.